



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
December 15, 2016, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Piwko called the meeting to order at 6:00 p.m. Council members John Klostermann, Donny Mason, Michael Hesse, Mike Hurst, and Leaca Caspari were all present. City staff members Ben White, Sandra Green, Paula Jackson, Rick Ranspot, Trisha Dowell, Adah Leah Wolf, and City Attorney, Alan Lathrom, were also present.
- Prayer was led by Larry Eastman with Cowboy Round-Up Church in Blue Ridge followed by pledges to the United States flag and Texas flag.
- Mayor Piwko also stated that the City offices would be closed on Friday, December 23rd and Monday, December 26th in observance of the Christmas Holiday and January 2nd for New Year's.

II. PUBLIC COMMENT

- No one present to speak.

III. CONSENT AGENDA

- A. City Council Minutes
- B. Police Department Report
- C. Code Enforcement/Animal Control Report
- D. Fire Department Report
- E. Municipal Court Report
- F. Warrant Officer Report
- G. Public Works Report
- H. Library Report
- I. City Manager's Report
- J. Texoma Housing Partners

also meet periodically with Collin College to discuss possible curriculum.

- Slide IV. Marketing was read by Ben White and he explained that Bob Hart has commented that the International Council is a great way to promote the City.
- Slide V. Festivals was read and Ben White stated Bob Hart believes the International Festivals and Events Association is a great resource the City should explore. Ben explained scenic city programs was also emphasized by Bob Hart and the City may want to move forward with this. It does take money, but the City can start small and go from there. Ben stated he has seen the program at the TML Conference and it is a great program. The City is already involved with the Keep Texas Beautiful Affiliate, but the City may want to boost Main Street as big as they can. As far as metrics, the City will track attendance to festivals and events.
- Slide VI. Industrial was read and Ben White explained the City is already in connections with the Dallas Chamber of Commerce and typically if large companies are moving to our area Dallas would like to be informed. Bob Hart really felt that the City should be a part of the Texas Economic Development Council and that will help the City connect with other cities and companies. There is an International Economic Development Council and perhaps 4A can play a role in that. There are several larger cities like Plano, McKinney, and Greenville where things are happening and that could create spin-off businesses to locate in the City of Farmersville. Not everyone wants to be in a large city and 4A could work on an incentives package and give suggestions to Council.
- Ben White read slide VII. Infrastructure and stated that it is focusing on wastewater growth. In its infancy there may not be enough business to support this specific area.
- Slide VIII. Housing Development was read and Ben White continued with the presentation by stating that everyone at the previous Strategic Planning meetings indicated that they wanted mixed-use. He stated the City wanted a good mix, but great quality.
- Slide IX. Logistical Advantage was read and Ben White stated this was an advantage for Farmersville because of cheap land, wide open spaces, and major roadways. Farmersville has four major corners because of U.S. Highway 380 and State Highway 78. U.S. Highway 380 is going to be even bigger in the future. State Highway 78, one day down the road, will become bigger in the distant future. The City wants to support the Collin County Outer Loop development because that will support businesses and will allow residents to go from place to place with greater ease. The City has the McKinney airport which is a great asset to Farmersville and can be used as leverage. Another big advantage close by is intermodal facilities. The City of Farmersville is a gateway to Blue Ridge and Merit and

- there was an idea of supporting overnight depots in this area and establish quiet zones for the railroad.
- Ben White read slide X. Highway 380 and stated this was placed as a separate item on the presentation because of its importance to Farmersville. There are discussions about the limited access roadway and the funding and future of that. Promotions of U.S. Highway 380 would be for the good of Farmersville. Ben finished the presentation by stating that in January or February a new Strategic Planning session will be planned for Council to hash out items and look at what is most important, what the City can afford and what it cannot.
 - No action taken
- Consider, discuss, and act upon Resolution #R-2016-1215-001 for authorizing the submission of a community development block grant application to the Texas Department of Agriculture for the Community Development Fund.
 - Mayor Piwko began the conversation by pointing out the grant is for \$275,000 to carry out street improvements and upgrades in the City of Farmersville.
 - Ben White indicated that it was for a future grant the City is applying for. The grant will be targeting Rike Street because it qualifies. He explained that looking at the roadway repair list Rike Street was at the top. Ben indicated that he is just trying to get himself in a position to continue moving forward. Any decision that is made would be brought to Council to inform them of what is going on with the grant. He informed Council to watch the Public Works report closely for updates.
 - Mayor Piwko asked if they follow the blighted areas.
 - Ben White answered yes, but if Council believes there is a better street he would like suggestions.
 - Mayor Piwko questioned whether the \$41,000 in matching funds would come out of the normal budget for the street repairs that year.
 - Ben White stated that the matching fund would come out of the budget.
 - Donny Mason asked if this was the street that ran behind the Methodist Church.
 - Ben White explained that it would be South Rike. It is located from U.S. Highway 380 to the railroad. It may also include the Beene Street

connection. The rules state the area must service 50 homes in the area to qualify.

- Mayor Piwko asked if this was the same street that has had all the water main breaks.
- Ben White said yes it was. He stated that the City will repair the water and sewer before the street is fixed. So, it is a great opportunity for the City of Farmersville.
- Leaca Caspari asked if the City had not already done road repair in this area before.
- Ben White explained that Jackson Street has had some repair, as well as, Santa Fe Street. Rike Street was only repaired in one section. The City repaired a lot of Santa Fe Street and patched it together. Another aspect is the street connects with U.S. Highway 380 and will improve that area.
 - Motion to approve made by John Klostermann
 - 2nd to approve was made by Donny Mason
 - All council member voted in favor
- Consider, discuss, and act upon Resolution #R-2016-1215-002 to adopt Tax Abatement Guidelines and Criteria.
 - Mayor Piwko asked if this was supporting the 4A board.
 - Ben White answered by saying yes and he is going to rely on City Attorney, Alan Lathrom to answer questions.
 - Alan Lathrom stated that the Tax Abatement guidelines ran out in March 2016. The City adopted a new tax abatement program in 2012, which has a five year term and we adopted the guidelines in conjunction with that so there would be criteria for the City to review and see what enterprises would qualify for tax abatement incentives. We are picking up and renewing the program we had and the tax abatement program is still viable and is still in place. We are just trying to upgrade or extend the criteria so we have something to work against in the interim.
 - Ben White stated the criteria presented to Council is the same criteria that is currently in place.
 - John Klostermann asked if the City needed to adjust it.
 - Alan Lathrom stated that the City did not because the criteria are standard.
 - Ben White explained that it seems to be aligned with other cities.
 - Mayor Piwko referred to page 4 and stated the rates in the document showed years of abatement and said "percentage". She would be more comfortable if the content said it was "up to" because she wants a way to go lower than that. For example, if the City wants to offer a 40% abatement the document would not allow it as it is written. She also wanted to know if the Council was discussing the content as well.
 - Alan Lathrom indicated yes, the Council can update and change content as they decide.
 - Mike Hurst asked if there was criteria the City can request from a business, and he asked Alan Lathrom if he was for or against tax abatement.
 - Alan Lathrom stated that it depends. There are good deals and bad deals.

- Mike Hurst asked if it depended on the size of the company and if the City could request their financial statements. Mr. Hurst explained the City has done a tax abatement situation previously and it did not go very well.
- Alan Lathrom responded by saying it was not the size of the business, but it depends on what the business involvement in the community is and how it may benefit the City. It also depends on what they want to do in the City, because you may have spin-off's that are smaller businesses and it would depend on the size of the facility and the contract.
- Mike Hurst explained that his concern is protection for the City to recapture money of a tax abatement if a company is not successful.
- Alan Lathrom explained his concern is protection for the City can build in criteria that has to be met with that specific company. For example, what the inventory would be, their revenue, and how many employees the company would have. The City can down grade the amount of the abatement or incentive that they receive based on the failure to meet those standards. Also, the City can eliminate or terminate the incentive agreement if the business does not fulfill their end of the deal.
- Mike Hurst wanted to know how the smaller cities cope with growth and how the City of Farmersville would keep up. Farmersville does not have the sewer capabilities. The City is 1 year or 1 ½ years behind to support growth. He stated that he wants to make sure the City is protected.
- Mayor Piwko added that the City will have to conduct due diligence.
- Alan Lathrom indicated that the guide in front of the Council does not bind the City to give the companies the level of incentives stated.
- Mike Hurst stated that the City would want to dictate what the companies are allowed.
- Alan Lathrom continued by stating that everyone has deals that go south, but he always prepares for the worst case scenario and makes sure the city is protected.
- Mike Hurst stated that he just wanted some level of protection.
- Mayor Piwko stated that she had a concern the City could get into an all or nothing situations because of the five year-50%. If it was stated "up to" we could say we do not think the company is worth that amount of money. She suggested building in more flexibility in the negotiating phase. Mayor Piwko continued and read that it already says maximum amount but it does not give the City to option to go less.
- John Klostermann stated that the City can tailor the agreement how it sees fit.
- Ben White suggested that the City could put "maximum years and percentage of abatement" and that would allow the ability to go below that amount.
- Alan Lathrom stated that the document could be changed to reflect that.
- Leaca Caspari asked if the City would ever go over 50%
- Mayor Piwko answered by saying the City could go over, just not less, according to the document and that was the concern. She indicated that the City can tailor it.

- Alan Lathrom explained that the City could do whatever they decided and could change it anyway that made Council feel comfortable with it.
- Mayor Piwko also indicated that on page 11 there is no introduction to indicate what it is.
- Donny Mason indicated that page 11 did not belong with the tax abatement information and it was part of another topic.
- Alan Lathrom explained he was not sure how that page got attached, but it will be taken out.
 - Motion to approve with changes on page 4 and 5 to add the word "maximum" to the percentages on the chart made by Leaca Caspari
 - 2nd to approve was made by John Klostermann
 - All council member voted in favor

- Consider, discuss, and act upon appointing new Planning and Zoning Commission member.
 - Mayor Piwko explained to Council that there were two applications.
 - Motion made to name Paul Kelly as Planning & Zoning Board member by Leaca Caspari
 - Second made by John Klostermann
 - All council members voted in favor

- Consider, discuss, and act upon appointing replacement to the Texoma Housing Partners board.
 - Mayor Piwko explained that there was one applicant for this vacancy.
 - Ben White stated Les Cooks was a great applicant
 - Motion to name Les Cooks as the Texoma Housing Partners board member as per City Manager's recommendation made by Leaca Caspari
 - Second made by Donny Mason
 - All council members voted in favor

- Consider, discuss, and provide direction regarding the possible regulation of personal property and other materials placed or left in area opens to public view including, but not necessarily limited to, carports.
 - Mayor Piwko stated this item is continuing discussions from a previous Council meeting about code enforcement and open carports that are packed full of items.
 - Leaca Caspari explained it all depends on how garbage is defined.
 - Ben White explained that staff included the Section 307: Rubbish and Garbage of the 2006 International Property Code, but that is as close as a definition there currently is.
 - Mayor Piwko stated that after riding around with Code Enforcement Officer, Karen Dixon, she realized there are holes in the Ordinance regarding this issue. She asked if the City needed to draft an ordinance to close the gaps.

- Michael Hesse read the 2006 International Property Maintenance Code, Section 307.2.2 regarding refrigerators and stated that he did not like how it was written. He wanted to know what the City could do.
- Ben White explained that it is an International Ordinance and in this case it does not suit the City's situation. The City could create an ordinance, or the City could change or amend existing ones.
- Leaca Caspari stated maybe Council should think about the issues and send it to the Planning & Zoning board for review.
- Alan Lathrom explained that it does not have to go before Planning & Zoning because it is a health and safety issue. The City can address it as a nuisance and Council can make decisions on what the requirements should be. Council can come up with ideas for a new ordinance or change existing ordinances to add stricter requirements.
- Leaca Caspari expressed that the Council could also address outdoor storage.
- Mayor Piwko asked if Alan Lathrom could draft something for the City. She indicated he could look at other cities to compare.
- Michael Hesse stated the ordinance could be worded so that when the carport is a certain percentage full a door would be required to hide the items.
- John Klostermann asked how far the City wanted to step on personal rights.
- Leaca Caspari explained that it is about health and safety.
- Donny Mason asked if someone can park a camper trailer in their driveway and live out of it.
- Ben White stated no, the trailer cannot be someone's permanent home.
- Mayor Piwko stated items being left around is an issue and asked Council if they wanted to instruct staff to draft an ordinance or amend a current one.
- Michael Hesse added that he did not want to add something the City would have a hard time enforcing.
- Alan Lathrom commented by saying there are constitutional issues with how far the City can go.
- Michael Hesse explained the property in plain sight is what Council should worry about.
- Alan Lathrom stated that the Fire Marshall can look at other things that code enforcement cannot because of the possibility of a fire hazard.
 - Council directed Alan Lathrom to draft ordinance for Council to review at future meeting.
- Consider, discuss, and act upon a Resolution #R-2016-1215-003 for designating the *Farmersville Times* as the City's Official Newspaper and the *Dallas Morning News* as the City's Alternate Official Newspaper for the Fiscal Year 2016-2017.
 - Motion made to approve by Leaca Caspari
 - Second made by John Klostermann
 - All council members voted in favor

- Consider, discuss, and act upon a Resolution #R2016-1215-004 for condemnation of sanitary sewer easement located in Tract 246, Sheet 2 of the WB Williams Survey, Abstract No. 952.
 - Ben White stated he has worked with City Attorney, Alan Lathrom, for six months trying to get an easement to move the lift station from Camden Park area and place it along U.S. Highway 380 to help build up that area. If we do not move the life station it will hurt building and growth for U.S. Highway 380. The City has been working with Eddy Daniel, with Daniel & Brown, Inc., on the best path to place the sewer line coming out of Camden Park. The property selected was on the southern end of the Midkiff property. The Midkiff's have never said yes or no to the idea so the City has never received a signature to create the easement. Landowner's normally like this because it would give them sewer service. Because of the easement, the City would also have the right to repair the line if needed. It would be progress toward growth and would support the City moving forward. We are wanting to condemn the 20 foot easement on the south side so the City can have an easement. On another note, a perspective buyer wants it located there.
 - Mayor Piwko asked if the system will be underground or will it have SCADA or manholes.
 - Ben White explained there would be no SCADA, but it would have manholes.
 - Mayor Piwko continued by asking how long it would take for the condemnation process to be completed.
 - Alan Lathrom stated it is hard to know. The property would need to be appraised, title work done, and notice given to people involved. The City would then need to meet with the property owners, give them an offer letter, and ensure the property owner's bill of rights were specified. If they do not sign the offer letter, the City would have to file with the County and set up three people as Commissioner's for a hearing. Once a decision is reached, then it goes back to the court. The City has the right to take the easement, but it could take at least three to four months. It should take no longer that May or June.
 - Mayor Piwko asked if this would hold up Camden.
 - Ben White explained that the City would have to have a developer's agreement with Camden since we are not getting the easement right away.
 - Mayor Piwko asked if the City had an advantage of being on the generous end of the offer.
 - Ben White stated the City has to offer what the land is worth.
 - Alan Lathrom explained there is a little wiggle room for negotiation, but not much.
 - Ben White included that it would also depend on the appraisal.
 - Alan Lathrom explained that the Commissioners' can determine a price and the homeowner's might not agree. If they do not agree then they could have a trial to determine the valuation of the property.
 - Mayor Piwko asked if TIRZ could add anything financially to the offer of the City.

- Ben White said no.
- Alan Lathrom stated it is the same process.
- Ben White stated the City would use the overages in the waste water fund to fund the installation.
- John Klostermann asked if the homeowner's could change their mind after the process has started.
- Alan Lathrom indicated that was a possibility and explained that when the City sends the landowner's the final offer the landowner's could decide they want more money. Occasionally, the owners believe they are getting short changed.
 - Motion made to approve by Michael Hesse
 - Second made by Donny Mason
 - All council members voted in favor
- Consider, discuss, and act upon accepting a donation from Texas New Mexico Power, Barry Bonds, for the Police Department.
 - Mayor Piwko stated the donation was for \$600.00
 - Motion made to approve by Leaca Caspari
 - Second made by Michael Hesse
 - All council members voted in favor
- Consider, discuss, and act upon Resolution #R-2016-1215-005 assigning the City Manager to cast Texas Coalition for Affordable Power ballot for the City.
 - Ben White explained to the Council that this ballot is something that comes up every year and is minor in nature. TCAP conducts the research for the cities when they have power needs outside of their grid. Some operate with Texas New Mexico Power Company. TCAP negotiates for the City on rates and this saves the City's time. It is an organization that assists the City in receiving the lowest rates. They have a board that operates and Ben stated he would select local people if they were on the ballot. Ben made the suggestion to Council that he casts the ballot for the City every year.
 - Mayor Piwko asked if there was any way to know if some of the candidates are trying to help with Sharyland reform that would assist people in the ETJ.
 - Ben White explained that many are not and they are just fighting for good rates. Many of the areas are not in the Sharyland grid. But, if he has any concerns or questions he would call the City of Garland to see who they recommend because they know them better.
 - Motion made to approve by Michael Hesse
 - Second made by Donny Mason
 - All council members voted in favor

- Consider, discuss, and act upon a possible sanitary sewer easement and sewer tap agreement for the Justiss property near the intersection of County Road 653 and U.S. Highway 380.
 - Ben White addressed Council and explained that he is bringing this item in front of them because of the force main the City is putting in associated with the east side lift station. The City is hung up at the Justiss property. He stated he wants permission to sign the sewer tap agreement and move forward. There is a negotiation with the land owner for two taps which are \$600.00 for each, but this is a small issue. The City has ran a gravity main onto the Justiss property about 80 feet. This will give the landowner the ability to say he has sewer on his property. This is leverage for the City because we never give sewer to someone outside of the City. The agreement states he cannot make a tap until his land comes into the City, but the line will be on his property. The owner's seem to be okay with this.
 - Alan Lathrom indicated that the owners do not want to be in the City limits. At first, they did not want to sign the agreement with the requirements that the only way they received a sewer tap was by annexation.
 - Ben White stated that the owner's did move on that. There is no sewer tap in the agreement.
 - Mayor Piwko asked if a 4" line was typical for a light industry, small office.
 - Ben White explained it is small and the City is just giving them a credit.
 - Motion to approve and allow Ben White to sign the easement and sewer tap agreement with the change of two lines made by John Klostermann
 - Second made by Michael Hesse
 - All council members voted in favor

- Consider, discuss, and act upon restricting access to Sycamore Street form 607 Waterford Street.
 - Mayor Piwko stated that the City has been receiving questions from residents in the City about the property. She called the homeowner up to the podium to answer questions and explained the Council wanted to know what his plans were.
 - Homeowner, Adam Nolan, addressed Council and stated he built the building to park his motorcycle. Since he cannot have a driveway, his fence is going back up and he is going to clean out his garage and use that instead.
 - Mayor Piwko asked if he is planning to request permission in the future to allow for the removal of his fence to have a driveway there.
 - Mr. Nolan explained that he had no plans to connect the concrete drive to Sycamore Street.
 - Mayor Piwko asked if there would be a door on the side of the building that faces Sycamore.

EXECUTIVE SESSION- Discussion of Matters Permitted by Texas Government Code Chapter 551:

A. Section 551.074, DELIBERATION REGARDING PERSONNEL MATTERS

1. Discussion regarding incentive pay for City Manager

VII. RECONVENE FROM EXECUTIVE SESSION AND CONSIDER/DISCUSS/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551-074 OF THE TEXAS GOVERNMENT CODE at 7:39 p.m.

- A. Consider, discuss and act upon incentive pay for City Manager
- o Motion to approve a one-time incentive payment to the City Manager made by Leaca Caspari
 - o Second made by John Klostermann
 - o All council members voted in favor

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

Nothing to be placed

IX. ADJOURNMENT

Meeting was adjourned at 7:42 p.m.

APPROVE:


Diane C. Piwko, Mayor

ATTEST:


Paula Jackson, Interim City Secretary

